

## DETAILED ACTION

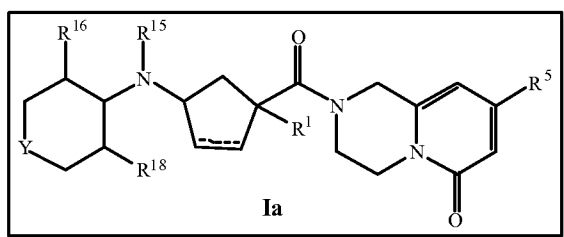
### *Status of the Claims*

Claims 2, 3, 10, 13, 16 and 24-28 are pending in the current application. According to the *Amendments to the Claims*, filed January 20, 2010, claims 2, 3, 10, 13, 16 and 24 were amended, claims 1, 4-9, 11, 12, 14, 15 and 17-23 were cancelled and claim 28 was added. This application is a 35 U.S.C. § 371 National Stage Filing of International Application No. PCT/US2005/002454, filed January 26, 2005, which claims priority under 35 U.S.C. § 119(e) to US Provisional Application No. 60/539,691, filed January 28, 2004.

### *Status of Restrictions / Election of Species*

The *Requirement for Restriction / Election of Species*, mailed on September 1, 2009, is hereby amended as follows: the elected species is hereby clarified as Example 1 on page 74 of the specification.

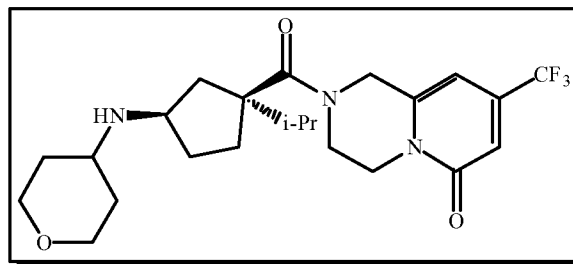
Applicant's affirmation of the following election, without traverse, in the reply filed on



January 20, 2010, is acknowledged: a) Group I - claims 2, 3, 10, 13, 16, 24 and 28; and b) substituted pyrido[1,2-*a*]pyrazinone of formula Ia

- p. 74, example 1, shown right below, and hereafter referred to as 2-((1*S*,3*R*)-1-isopropyl-3-

((tetrahydro-2*H*-pyran-4-yl)amino)-cyclopentane-carbonyl)-8-(trifluoromethyl)-3,4-dihydro-1*H*-pyrido[1,2-*a*]pyrazin-6(2*H*)-one, where Y = -O-; R<sup>1</sup> = -CH(CH<sub>3</sub>)<sub>2</sub>; R<sup>5</sup> = -CF<sub>3</sub>; R<sup>15</sup> = -H; R<sup>16</sup> = -H;



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and  $R^{18} = -H$ .

The requirement was made FINAL in the *Non-Final Rejection*, mailed on October 20, 2009.

This application contains claims 25-27, drawn to nonelected inventions, without traverse, in the reply filed on January 20, 2010. A complete reply to the final rejection may include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.02.

The sections of U.S.C. Title 35 that formed the basis of prior rejections formulated, as well as any references supporting said rejections, that are not included with this Office action, may be found in the *Non-Final Rejection*, mailed on October 20, 2009. Furthermore, any rejections or objections of record not explicitly addressed herein below, are hereby withdrawn, in light of applicant's arguments and/or the *Amendments to the Claims*, filed January 20, 2010.

Thus, a second Office action and prosecution on the merits of claims 2, 3, 10, 13, 16, 24 and 28 is contained within.

### ***Reasons for Allowance***

Claims 2, 3, 10, 13, 16, 24 and 28 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art is silent with respect to substituted pyrido[1,2-*a*]pyrazinones of the formula Ia, as recited in claim 2.

Consequently, the limitation on the core of the substituted pyrido[1,2-*a*]pyrazinones of the formula Ia that is not taught or fairly suggested in the prior art is  $R^I$  on the periphery of the pyrido[1,2-*a*]pyrazinone core. This limitation is present in all of the recited species in claim 28.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled *Comments on Statement of Reasons for Allowance*.

### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following is a statement of examiner's amendment to the record: claims 25-27 are hereby cancelled.

Claims 25-27 have been cancelled.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James L. McGinnis (Reg. No. 34,387) on March 1, 2010.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS M. WILLIS, whose telephone number is 571-270-5757. The examiner can normally be reached on Monday thru Thursday from 8:00-6:00 EST. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Mr. James O. Wilson, can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOUGLAS M WILLIS/  
Examiner, Art Unit 1624

/James O. Wilson/  
**Supervisory Patent Examiner, AU 1624**